

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**RURAL ROOTS LOUISIANA,
MOUNT TRIUMPH BAPTIST CHURCH,
and HARRY JOSEPH, SR.,**

Plaintiffs,

v.

LT. GEN. WILLIAM H. GRAHAM, JR.,
in his official capacity as Commanding
General of the United States Army Corps
of Engineers, and **UNITED STATES
ARMY CORPS OF ENGINEERS**
441 G Street NW
Washington, DC 20314,

Defendants.

Civil Action: 1:26-cv-1141-AHA

**AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND PETITION FOR REVIEW OF AGENCY ACTION**

TABLE OF CONTENTS

PRELIMINARY STATEMENT 1

JURISDICTION AND VENUE 4

PARTIES 5

FACTUAL ALLEGATIONS 6

 I. All Burial Grounds Are Sacred and the Graves of Enslaved People in the United States
 Are Associated with Intergenerational Trauma. 6

 I. Given the History of Slavery in Modeste, Cemeteries Where Enslaved People Were
 Buried Exist on the Land Targeted for Heavy Industrial Development. 8

 II. Cemeteries of Enslaved People Have Already Been Damaged and Destroyed through
 Industrial Development..... 11

 A. Sports Place Plantation Cemetery is now the site of a storage yard and waste pond. .. 12

 B. A levee has been constructed on top of the Lauderdale Plantation Cemetery..... 12

 C. The Acadia Plantation Cemetery was dug up for a borrow pit and a pipeline was
 constructed through the Buena Vista Plantation Cemetery. 13

 III. The Ground-Disturbing and Pre-Construction Activity on the Sites in Modeste Risks
 Damaging or Destroying Cemeteries Where Enslaved People Are Buried in Violation of the
 NHPA’s Requirements for Early Consultation and Review..... 15

CONSTITUTIONAL AND STATUTORY REQUIREMENTS..... 30

CLAIMS FOR RELIEF 36

RELIEF REQUESTED..... 44

Plaintiffs Rural Roots Louisiana, Mount Triumph Baptist Church, and Pastor Harry Joseph Sr. bring this action for Declaratory and Injunctive Relief to protect and honor the final resting places of people who were enslaved and buried on sugarcane plantations that operated on land that is now threatened by heavy industrial development.

In further support, Plaintiffs allege as follows:

PRELIMINARY STATEMENT

1. This case involves three proposed industrial projects in Modeste, Louisiana that require federal permits issued by Defendants Army Corps of Engineers (“the Corps”) and Lt. Gen. William Graham, Jr., Commanding General of the Corps, pursuant to the federal Clean Water Act: (1) a proposed ammonia plant that would be owned and operated by CF Industries (“CFI Plant”); (2) an ammonia plant that would be owned and operated by Clean Hydrogen Works (“CHW Plant”); and (3) the Energy Transition Parkway, a roadway being constructed by the Ascension Parish Government for the purpose of supporting these specific facilities and future development in the area (collectively, the “Megapark Projects”).

2. The land at issue has long been zoned as a conservation district because of its environmental fragility,¹ and was once home to several sugarcane plantations that operated during the period of slavery. It is located in the town of Modeste, a multi-racial community with families who have lived there for generations, many of whom are descendants of people who were enslaved and are buried on the former plantation land in Modeste.

¹Ascension Parish, La., Unified Land Development Code §17-2020 (2025); *Zoning 2025*, Ascension Parish Gov’t, https://library.municode.com/la/ascension_parish/codes/unified_land_development_code?nodeId=APXIIDECO_17-2020CODIC (last visited Jun. 2, 2026) (noting that such areas “are not only environmentally fragile; they are not served by roads which can handle large traffic increases”).

3. Modeste is surrounded by heavy industrial facilities to its south and just across the Mississippi River. It exists in the heart of a region long known as “the River Parishes,” and more recently as “Cancer Alley” for the proliferation of polluting facilities lining the river between Baton Rouge and New Orleans, placing those who live there among the highest risk categories in the country for cancer and other pollution-related illnesses.²

4. It is also a region where gravesites of people who were enslaved have already been damaged and destroyed by industrial development, as set forth below.

5. The Advisory Council on Historic Preservation (“ACHP”), the agency created by the National Historic Preservation Act (“NHPA”) to advise all federal agencies on compliance with the Act, recognizes that as a result of the legacy of enslavement and its afterlife, the burial sites, human remains, and funerary objects of enslaved Africans and their descendants have a “higher probability of being unmarked and undocumented and thus more likely to be affected by development projects.”³

6. The ACHP further recognizes that descendant communities “continue to experience the impacts of intergenerational trauma resulting from the legacies of these federal policies” and that “[d]isturbing the burial areas or remains of ancestors or family members can have traumatic

² Rachel Svensson, *Cancer Alley Statistics: Louisiana’s Cancer Alley has staggeringly high pollution levels causing severe health crises*, GITNEX MARKET DATA ANALYSIS (Feb. 13, 2026), <https://gitnux.org/cancer-alley-statistics/>; Josie Abugov, *Cancer risk in Louisiana's industrial parishes is underestimated by EPA, study says*, NOLA.COM (Oct. 8, 2025), https://www.nola.com/news/environment/cancer-chemicals-louisiana-industry-research/article_84f4dd30-bbb0-4248-be18-c842d223b778.html.

³ Advisory Council on Historic Pres., *Policy Statement on Burial Sites, Human Remains, and Funerary Objects* p. 1 (Mar. 1, 2023), https://www.achp.gov/sites/default/files/policies/2023-03/PolicyStatementonBurialSitesHumanRemainsandFuneraryObjects20230301_1.pdf (hereinafter “ACHP Burial Sites Policy Statement”).

and compounding effects to the social and emotional welfare of associated individuals and communities”⁴

7. That is precisely what Plaintiffs are experiencing as they witness the extensive disruption of grounds they know are home to the final resting places of their enslaved ancestors.

8. Moreover, these gravesites are the lasting remnants of the slavery system, housing the remains of those who lived and died under a brutal form of chattel slavery. The Thirteenth Amendment, which was intended to abolish slavery and provide the means for abolishing all of its “badges and incidents,” *Civil Rights Cases*, 109 U.S. 3, 20 (1883), requires that the Corps affirmatively ensure that these graves are located and protected before any activities are undertaken that could disturb them in any way—not simply wait for inadvertent discovery through construction activities that would damage and could destroy the graves.

9. These gravesites represent the “burdens and incapacities [that] were inseparable incidents of the institution” of slavery. *Civil Rights Cases*, 109 U.S. at 22. There could hardly be a clearer badge or incident of slavery than the ongoing disregard for and destruction of the graves of the people enslaved in that system and the inability of their descendants to have a meaningful voice in the protection of those sites.

10. These gravesites and their treatment historically represent some of the critical unfinished business of Emancipation from slavery. With the knowledge of the existence of these gravesites and the technology available to identify their locations, neither the Corps, nor any other federal permitting agency, can be allowed to leave the location and identification of these

⁴ Advisory Council on Historic Pres., *Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects: Explanations and Discussion*, p. 12 (Feb. 4, 2025), <https://www.achp.gov/sites/default/files/2025-02/BurialPolicyExplanationandDiscussionGuidanceDocumentFeb2025.pdf> (hereinafter “ACHP Burial Sites Guidance”).

cemeteries to chance or inadvertent discovery through violent, ground-disturbing construction activities. They must be required to affirmatively locate their exact location(s) and consult with concerned members of the descendant community about their protection and preservation.

11. The Thirteenth Amendment requires no less.

12. Thus, pursuant to the Thirteenth Amendment, Section 106 of the National Historic Preservation Act, 54 U.S.C. §§ 300101-307108 (“NHPA”), and 5 U.S.C. §702 (Administrative Procedure Act), Plaintiffs seek an injunction against Defendants requiring that they: (i) issue a cease-and-desist order to CF Industries, which is currently engaged in ground-disturbing activities on land known to contain the graves of people who were enslaved on the plantations that once operated there; (ii) temporarily suspend the permit recently granted to Clean Hydrogen Works; (iii) engage in meaningful consultation with Plaintiffs and other concerned members of the descendant community on each of the Megapark Projects before allowing any further activities; (iv) undertake a special consultation with the ACHP to determine whether the destruction of a historic schoolhouse dedicated to the education of Black children during Jim Crow constituted anticipatory demolition in violation of the NHPA; and (v) require each of the Megapark Projects to affirmatively and positively locate grave sites and consult with Plaintiffs and other concerned members of the descendant community about their protection, preservation, and memorialization.

JURISDICTION AND VENUE

13. This Court has jurisdiction pursuant to 28 § U.S.C. 1331 (federal question), 28 § U.S.C. 1346 (United States as defendant), the Thirteenth Amendment, 54 U.S.C. §§ 300101-307108 (National Historic Preservation Act) and 5 U.S.C. §§ 701-706 (Administrative Procedure Act). This Court may award declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act).

14. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e)(1) as the defendants' agency resides in this district.

PARTIES

15. Plaintiff Rural Roots Louisiana ("Rural Roots") was founded in 2023, in Donaldsonville, Louisiana. Its mission is to introduce children to environmental justice, provide literacy programs, promote community stewardship and earth care, help make communities aware and educate kids on social justice by teaching art and gardening. Rural Roots' officers and members live in Ascension Parish and are descendants of people who were enslaved on the plantations in Modeste and surrounding areas. Some members live in and near the area targeted for heavy industrial development where the Corps is allowing ground-disturbing, pre-construction activities.

16. Plaintiff Mount Triumph Baptist Church was formally founded in St. James Parish, just south of Ascension Parish, in 1904 by people who had been emancipated from slavery. Known as "the little church with a big heart," under its current pastor, Harry Joseph Sr., Mount Triumph strives to be a space for community support and gathering. The church has also brought cases to challenge environmental injustice and to protect the cemeteries of people enslaved on the plantations that once operated in St. James. Pastor Joseph ministers to people in both St. James and Ascension Parishes.

17. Plaintiff Pastor Harry Joseph Sr. is a resident of Ascension Parish and lives just a few miles from Modeste and within the land targeted for heavy industrial development. He is vice president of Rural Roots Louisiana and pastor of Mount Triumph Baptist Church. He is descended from people who were enslaved in Ascension Parish, and who worked on the plantations long after Emancipation. His mother worked and lived in Modeste on one of the plantations that operated on land now targeted for heavy industrial development.

18. Defendant Lt. Gen. William H Graham, Jr, is Commanding General of the United States Army Corps of Engineers. He is sued in his official capacity. He has ultimate authority for actions of the Army Corps, including for the actions challenged in this matter.

19. Defendant United States Army Corps of Engineers is a federal agency which has responsibility for, *inter alia*, the issuance, modification, and revocation of permits for activities taken or proposed to be taken on waters of the United States, its wetlands, and tributaries under section 404 of the federal Clean Water Act. 33 U.S.C. § 1344. As a federal agency, the Corps must comply with federal laws including the Thirteenth Amendment, NHPA, and the Administrative Procedure Act (“APA”). The Corps is overseeing the permitting process for the companies that are engaged in ground-disturbing activities on the land in Modeste.

FACTUAL ALLEGATIONS

I. All Burial Grounds Are Sacred and the Graves of Enslaved People in the United States Are Associated with Intergenerational Trauma.

20. Burial grounds and cemeteries are places of profound spiritual, cultural, and religious meaning. The ACHP issued a policy statement in 2023 which emphasized that burial sites, human remains, and funerary objects are of “significant social and moral consequence in the United States” regardless of whether they are deemed eligible for individual listing on the National Register of Historic Places.⁵

21. As such, the ACHP instructs that disturbance “should not be pursued unless there are *no other alternatives available and only after consultation with descendants or ... [associated communities]* and fully considered avoidance of impact and preservation in place.”⁶

⁵ ACHP Burial Sites Policy Statement, *supra* note 3, at 2.

⁶ *Id.* (emphasis added).

22. While any burial site is considered sacred ground, the ACHP has emphasized that burial sites of enslaved Africans and those of African descent have added layers of risk, trauma, and significance associated with them given the legacy of slavery and the barriers to access and recognition that followed; they also face a “higher probability of being unmarked and undocumented and thus more likely to be affected by development projects.”⁷

23. These cemeteries hold historic significance as markers of the first century of life for enslaved Africans and those of African descent in the United States and enormous cultural significance for their descendants who seek to honor these ancestors. These are sacred sites. Yet descendants of the enslaved have continued to face impediments to locating, accessing, and caring for them.

24. Among the criteria for inclusion on the National Register of Historic Places—the federal government’s official list of sites deemed worthy of preservation—are sites “associated with events that have made a significant contribution to the broad patterns of our history; or that are associated with the lives of persons significant in our past;” or “that have yielded or may be likely to yield, information important in prehistory or history.”⁸

25. The sites of former plantations and the graves of people enslaved on them meet each of these criteria: They are associated with events that have made a significant contribution to the broad patterns of our history—hundreds of years of slavery and the foundation of the country; they are the burial places of people significant in our past, though too often not regarded as such by federal, state, and local authorities; and they are likely to yield important information about our history.

⁷ *Id.* at 1.

⁸ *Criteria for Evaluation*, Nat’l Register of Historic Places, <https://nationalregisterofhistoricplaces.com/faq.html> (last visited Apr. 1, 2026).

26. Federal permitting agencies have an obligation under the Thirteenth Amendment to affirmatively address this lasting vestige of the slavery system in consultation with descendant communities.

27. Federal agencies, like the Corps, must be required to affirmatively locate such sites in the Areas of Potential Effects under their permitting authority and ensure their protection and preservation in consultation with descendant communities. They cannot be allowed to wait for accidental or inadvertent discovery of unmarked graves, which inherently comes with disturbance, in addition to the possibility of damage or destruction.

I. Given the History of Slavery in Modeste, Cemeteries Where Enslaved People Were Buried Exist on the Land Targeted for Heavy Industrial Development.

28. The sites of the proposed CFI and CHW Plants and the Energy Transition Parkway were once homes to sugarcane plantations that relied on the forced labor of enslaved people.

29. On the eve of the Civil War, the total of Louisiana's enslaved population was 331,726, which accounted for 46.9% of its total population.⁹ According to a cultural resources survey of the area, Ascension Parish was the fourth largest sugar producing parish in Louisiana in 1860.¹⁰ That year, the total population was approximately 11,424, and more than half of that population—7,376, or 65%—was enslaved.¹¹

⁹ Steve A. Hawks, *State and Territory Populations in 1860 in the United States*, THE CIVIL WAR IN THE EAST, <https://civilwarintheeast.com/things/state-populations-in-1860/> (last visited Apr. 1, 2026).

¹⁰ Brandy Kerr, Jennie Garcia & Malcolm Shuman, *Phase I Cultural Resources Survey of 944 Acres (382 Hectares) near Donaldsonville, Ascension Parish, Louisiana: Final Report*, 17 Surveys Unlimited Research Associates, Inc. (SURA) (Nov. 2018) (hereinafter "SURA Report") (on file with Plaintiffs).

¹¹ U.S. Census Office, *Population of the United States in 1860; Compiled from the Original Returns of the Eighth Census* 191 (table titled "Population by Age and Sex, Louisiana") (Joseph C.G. Kennedy ed., Gov't Printing Office 1864), <https://www2.census.gov/library/publications/decennial/1860/population/1860a-16.pdf>.

30. Those enslaved had no freedom of movement, or freedom of any kind. They lived, worked, and died on the plantations to which they were tied. They could not choose where they would be buried, nor how.¹² They were generally buried on the plantation in an area that was not viable for farming. This practice continued through French and Spanish rule, and after the transfer of the territory to the United States.¹³

31. Historic mortality records reveal that slavery on these sugarcane farms was a brutal and deadly enterprise. Historians have noted that many Louisiana slaveholders especially “made it their policy to work the slaves to death and buy new ones instead of taking care of the old and sick.”¹⁴ For example, the average age of death for enslaved people in St. James Parish, just south of Ascension Parish, was 21.4 years old between 1850 and 1860.¹⁵

¹² ACHP Burial Sites Guidance, *supra* note 4, at 11 (“[T]he location of burial areas and the method of burial were often controlled by external parties, were confined to remote areas, and/or were rarely documented.”) (citing African American Burial Grounds Preservation Program); S. Rep. No. 117-244, at 1 (2022), <https://www.congress.gov/117/crpt/srpt244/CRPT-117srpt244.pdf> (“African-American cemetery sites were often confined to remote areas or marginal property and they frequently were not provided the same sort of state or local maintenance support or assistance as predominantly white cemeteries.”).

¹³ The 1685 Code Noir, first decreed for the Caribbean and then applied to Louisiana, forced Catholic, Apostolic, or Roman religion on enslaved people. 1685 Code Noir, Art. XIV, <https://www.nps.gov/articles/000/transcription-of-the-code-noir-the-black-code.htm>. The 1724 Code Noir, which remained largely in effect under subsequent Spanish rule, added to this requirement that “[m]asters shall have their Christian slaves buried in consecrated ground.” 1724 Code Noir, Arts. I, II, V, XI, <https://www.loc.gov/item/2021667007> (translation available at <https://www.nps.gov/articles/000/transcription-of-the-code-noir-the-black-code.htm>).

¹⁴ See W.E.B. Du Bois, *Black Reconstruction in America, 1860-1880*, p. 453 (Free Press 1935).

¹⁵ Don Hunter & Joanne Ryan, *Who’s Buried at Buena Vista? An Unmarked Plantation Cemetery in St. James Parish, Louisiana: History, Genealogy, and Mortality Demographics*, p. 109 (2022).

32. Thus, burials of enslaved people on the River Parish plantations were common. Louisiana's former chief archaeologist, Dr. Chip McGimsey, has stated "with almost 100% certainty" that there is "going to be a slave cemetery" on "every plantation that existed."¹⁶

33. According to Dr. McGimsey, this was particularly so because "child mortality rates in those days was very high" and as a result he would "expect that most plantations are going to have [sic] cemetery of some size, somewhere on their property."¹⁷

34. Adding to the indignity and dehumanization of slavery in the River Parishes, the deaths and burials of the enslaved were not routinely recorded in public records, nor marked physically through headstones or obvious grave markers, or otherwise venerated.

35. Descendants were forbidden by law and custom, both during and after slavery, from gathering to engage in religious and spiritual practices at these burial sites to honor, pray, and pay their respects to their ancestors.¹⁸

36. Slavery and later Jim Crow both "limited the cultural continuation of death rites and burial practices"¹⁹ for the enslaved and their descendants.

¹⁶ Charisse Gibson, *Who Benefits from the petrochemical industry in St. James Parish?*, WWL TV CBS (Feb. 14, 2020), <https://www.wwltv.com/article/news/local/who-benefitsfrom-the-petrochemical-industry-instjames-parish/289-e41c3adb-0a11-47c4-b28e-dcfc2bc230e6>.

¹⁷ Testimony of Dr. Charles McGimsey in *The Descendants Project v. St. John the Baptist Parish*, 40th Judicial District Court, Case No. C-77305, p. 59:1-5.

¹⁸ 1724 Code Noir, Art. XVI, <https://www.loc.gov/item/2021667007> (translation available: <https://www.nps.gov/articles/000/transcription-of-the-code-noir-the-black-code.htm>) (Prohibiting the "gather[ing] in crowds either by day or by night, under the pretext of a wedding, or for any other cause" of "slaves belonging to different masters."); 1806 Black Code of Louisiana, § 12 (June 7, 1806) <https://www.accessible-archives.com/2011/08/the-black-code-of-louisiana-1806> (Prohibiting any slaveowner from "suffer[ing] [on his plantation] other assemblies than that of his own slaves...").

¹⁹ ACHP Burial Sites Guidance, *supra* note 4, at 3 (principle 2 urges consideration of events including "warfare, slavery, disease, and other circumstances that inadvertently or intentionally limited the cultural continuation of death rites and burial practices" when assessing adverse impacts (emphasis added)).

37. While enslaved people were prevented from leaving plantations to bury the dead where they chose, their descendants, after gaining freedom from slavery, were conversely prevented from entering the land where their enslaved ancestors were buried to honor them and protect their final resting places. The Black Codes established in 1865 outlawed trespassing on plantations, which was “intended to prevent freedmen from leaving the plantations on which they are employed, and from visiting each other....”²⁰

38. The inability to freely access the former plantation land continues to this day and has prevented descendants from being able to locate and freely access the burial grounds of enslaved ancestors.

39. Despite this, many descendants cultivated “cultur[al] lifeways,”²¹ including through oral history traditions and by placing funerary objects at, and when possible, long after the time of death.²²

II. Cemeteries of Enslaved People Have Already Been Damaged and Destroyed through Industrial Development.

²⁰ Letter from Michael Hahn to Hon. T. O. Howe, *Ex-governor Hahn on Louisiana Legislation Relating to Freedmen*, pg. 2, Libr. of Cong. (Apr. 12, 1866), <https://archive.org/details/exgovernorhahnnon00hahn/page/2/mode/2up?q=intended+>; see also, Du Bois, *supra* note 14, at 168.

²¹ ACHP Burial Sites Guidance, *supra* note 4, at 3 (principle 2 of ACHP’s Burial Policy urges consideration of how burial sites are part of an ongoing culture’s lifeways when assessing adverse impacts).

²² In February 2025, members of the descendant community placed flowers at the Buena Vista Plantation Cemetery in Welcome, LA, in neighboring St. James Parish. They also commissioned headstones to place for five people who were enslaved and died on the plantation. However, the current property owner, Formosa Plastics, has refused them permission to do so. See Barbara Washington & Gail LeBoeuf, *In this ground, our ancestors were buried*, The Lens (Mar. 11, 2025), <https://thelensnola.org/2025/03/11/in-this-ground-our-ancestors-were-buried/>.

40. The neglect, lack of regard, and denial of dignity typically accorded to the burials of the enslaved has been exacerbated by the destruction and desecration of some plantation cemeteries as a result of industrial development in the River Parishes.

A. Sports Place Plantation Cemetery is now the site of a storage yard and waste pond.

41. The Sports Place Plantation was a sugarcane plantation owned by the Duplantier family, which enslaved people from at least 1830 until the end of the Civil War.²³

42. An 1876-1877 map depicts a cemetery on the Sports Place Plantation. It was located near the front of the plantation, along the property line that separated it from another plantation. Field notes from 1890 written by a surveyor on the property also describe the cemetery. Subsequent aerial imagery showed the cemetery as an uncultivated plot of land surrounded by ploughed fields.

43. In March 2021, through an archaeological cartographic regression analysis, it was learned that by 1975, a coke storage yard associated with a calcined coke plant had been built on top of the cemetery where enslaved and formerly enslaved people were buried on the plantation during slavery and after Emancipation.

44. The plantation is now the site of operations of Rain CII, which has operated a calcined coke plant there since 1988 and stores coke on top of graves of the enslaved.

45. By 1998, a pond had also been dug on the western part of the cemetery.

B. A levee has been constructed on top of the Lauderdale Plantation Cemetery.

²³ Don Hunter & Joanne Ryan, *Golden Grove and Sports Place Plantations: Two Unmarked Plantation Cemeteries in St. James Parish, Louisiana: Land-Use History and Cartography*, pp. 11-15 (2021).

46. Robert C. Nicholas owned the Lauderdale Plantation for more than two decades, using it to produce sugarcane as early as 1828. In 1850, he enslaved 236 people on the plantation.²⁴

47. In the early 1850s, he sold the plantation to E.B. Donelson. The plantation continued to produce an amount of sugarcane that “would have entailed a large slave labor force.”²⁵ Shortly before the Civil War, in 1857, the plantation was sold to brothers-in-law Mathew Watson and Bergondy LaPice. In 1860, they enslaved 245 people on the plantation.²⁶

48. The cemetery is now part of the Mosaic Faustina plant, which has been in operation since 1968.²⁷

49. Records from the Louisiana Division of Archaeology indicate that no cultural resource survey of the Lauderdale Plantation Cemetery was done prior to 2019.²⁸

50. In or about February 2020, through a cartographic regression analysis of the Lauderdale Plantation, it was discovered that by 1998, a retention pond had been built on what is now the Mosaic Faustina Works fertilizer plant, and the levee of the pond had been built on top of the cemetery.

51. By 2005, another set of retention ponds were excavated in the area.

52. While it is believed that some of the cemetery has been destroyed as a result, descendants hope that there are still intact human remains under the levee or retention ponds.

C. The Acadia Plantation Cemetery was dug up for a borrow pit and a pipeline was constructed through the Buena Vista Plantation Cemetery.

²⁴ Coastal Environments, Inc., *Cartographic Regression Analysis of Certain Tracts of Land Located in T. 11 S. and T. 12 S., R. 15 E. (Southeastern Land District West of Mississippi River), St. James Parish, Louisiana*, p. 39 (Feb. 19, 2020), <https://ccrjustice.org/sites/default/files/attach/2020/03/St.%20James%20Cemeteries%20%28Reduced%29%20%281%29.pdf>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* at 7.

²⁸ *Id.*

53. On September 4, 2019, the Corps issued a permit for FG LA, also known as Formosa Plastics, to build a plastics plant on land that includes the former Acadia and Buena Vista Plantations. In its statement supporting the permit, the Corps concluded that it had “fulfilled its responsibilities under Section 106 of the NHPA.”²⁹

54. However, two months after the permit had been issued, local descendants learned that the company had discovered a cemetery on the property and neither the company nor the Corps had reached out to local descendants with that information, or otherwise made it public before the Corps issued its permit.

55. In November 2019, local descendants learned of the two cemeteries on the land in Welcome through a public records request to the Louisiana Division of Archaeology.

56. The records revealed that the cemetery that had existed on the Acadia Plantation had been mostly destroyed when the land was previously used as a “borrow pit”³⁰ and the dirt was dug out and transported elsewhere.

57. Archaeologists who undertook the study of the site on behalf of descendants believe there could still be some human remains on the site.³¹

58. Additionally, it was confirmed through the public records that a cemetery that exists on the Buena Vista Plantation had been compromised and desecrated when a pipeline was constructed through the gravesite several years before.

²⁹ Section 10.3.3, Memorandum of Record: Department of the Army Environmental Assessment and Statement of Findings for the Above-Referenced Standard Individual Permit Application,” File Number MVN-2018-00159-CM, United States Army Corps of Engineers (Sept. 4, 2019).

³⁰ An excavated area where material has been dug for use as fill at another location, *borrow pit*, <https://www.merriam-webster.com/dictionary/borrow%20pit> (2026).

³¹ Coastal Environments, *supra* note 24, at 16, 34.

59. The company that undertook the surveys of the property for Formosa initially concluded that no burial sites could be located. It was only after an independent third party called the gravesites to the attention of the Division of Archaeology that the company was required to return to the property for further investigation to positively identify the location of the Buena Vista Cemetery.

60. Formosa Plastics did not inform St. James Parish officials nor community members about the confirmation of the cemetery while its land use application was pending with the Parish.

61. The company responsible for the surveys of the Formosa property is also the same company responsible for an October 2023 survey of the Elise Plantation conducted for CF Industries.

62. As can be seen from these examples, the gravesites were not discovered, or if they were, they were not reported, prior to or during construction of these projects, but long after the fact and by independent researchers.

III. The Ground-Disturbing and Pre-Construction Activity on the Sites in Modeste Risks Damaging or Destroying Cemeteries Where Enslaved People Are Buried in Violation of the NHPA's Requirements for Early Consultation and Review.

63. The destruction of cemeteries of people enslaved on the former plantations elsewhere in the River Parishes demonstrates the real risks to these sites posed by industrial development.

64. It is why Plaintiffs are so concerned and bring this action to halt the activities on the proposed sites of the CFI and CHW Plants and require the Corps to immediately commence a full Section 106 consultation to locate the graves and address descendants' concerns about their preservation and protection.

65. In this matter, a 17,000-acre area of land in Modeste, Louisiana, on the West Bank of the Mississippi River, has been targeted for heavy industrial development. Two ammonia

companies and one steel company are seeking to construct facilities on the site, and Ascension Parish government is seeking to build a major road, as a portion of the larger Energy Transition Parkway infrastructure project, on the site.

66. CF Industries, Clean Hydrogen Works, and the Parish must apply to the Corps for permits because the sites are in close proximity to the Mississippi River and jurisdictional wetlands.

A. Section 106 of the NHPA requires early consultation and review and prohibits federal agencies from approving pre-permitted activities that restrict the consideration of alternatives to avoid, minimize, or mitigate an undertaking's adverse effects on historic properties.

67. Pursuant to Section 106 of the National Historic Preservation Act ("NHPA"), any federal agency that must license a project, like those at issue here, must take into account the effect such projects may have on historic properties. 54 U.S.C. § 306108.

68. Federal regulations require that the Section 106 review be "initiated early in the undertaking's planning," 36 C.F.R. § 800.1(c), and that the federal agency make a "reasonable and good faith effort" to identify historic properties within the Area of Potential Effects ("APE"). 36 C.F.R. § 800.4(b)(1).

69. Federal regulations also prohibit the Corps from allowing pre-permitted activities that are destructive or that could "restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties." 36 C.F.R. § 800.1(c).

70. Section 106 requires agencies to involve consulting parties in the findings and determinations made throughout the section 106 process. 36 C.F.R. § 800.2(a)(4).

71. This includes an obligation for the agency to seek information from consulting parties and other individuals or organizations likely to have knowledge of, or concerns with, historic properties in the area regarding the scope of identification efforts. 36 C.F.R. § 800.4(a).

72. As a part of its initial planning for its Section 106 process, an agency must identify (with the assistance of the State and/or Tribal Historic Preservation Officers) any parties entitled by law to be consulting parties and invite them to participate in the Section 106 process. 36 C.F.R. § 800.3(f).

73. Other individuals and/or organizations with a demonstrated interest in the undertaking may also submit a written request to the agency to be granted consulting party status. 36 C.F.R. § 800.2(c)(5).

74. The agency is required to consider all such written requests, and, in consultation with the SHPO/THPO, determine which requesters should be granted consulting party status. 36 C.F.R. § 800.3(f)(3).

75. Once a party is granted consulting party status, the agency is required to involve them in the findings and determinations made throughout the section 106 process. 36 C.F.R. § 800.2(a)(4).

B. The Corps failed to consult with Plaintiff Rural Roots Louisiana prior to making final determinations of no adverse effects and has authorized pre-permitted activities that can restrict the consideration of alternatives to avoid, minimize, or mitigate adverse effects on historic properties.

76. Plaintiffs submitted written requests to be consulting parties for the CHW Plant, CFI Plant, and Energy Transition Parkway projects.

77. The Corps never responded to Plaintiffs' consulting party request for the CHW Plant.

78. The Corps subsequently issued the permit for the CHW Plant without any consultation with Plaintiffs.

79. The Corps granted Plaintiffs' requests for consulting party status on the CFI Plant and Energy Transition Parkway projects.

80. However, the Corps did not consult with Plaintiffs prior to issuing its final determinations that the CFI Plant and Energy Transition Parkway projects would have no adverse effects on historic properties.

81. The Corps has failed to make a reasonable and good faith effort to consult with community stakeholders and members of the descendant community early in the review process – despite granting Rural Roots' consulting party status.

A. The Energy Transition Parkway

82. Sometime in 2024, the Ascension Parish Government submitted an application to the Corps seeking a permit for a portion (Phase II) of the larger Energy Transition Parkway project. This portion of the project will measure roughly 32' x 10,163'.

83. The Energy Transition Parkway is a proposed paved roadway system that will connect the sites of each of the Megapark Projects to local highways and each other.

84. On January 12, 2026, Ashley Gagnard emailed the Corps on behalf of RRL to request consulting party status for this project. Exhibit A. The Corps did not respond to this request until April 22, 2026.

85. On April 22, 2026, the Corps contacted Ms. Gagnard to inform her that the Corps had made a final determination that there would be no adverse effects to historic properties as a result of the Energy Transition Parkway project. The letter attached informed Ms. Gagnard that the Corps had made a final determination of "No Effect to Historic Properties." Exhibit B.

86. The April 22, 2026 email also informed Ms. Gaignard that the Corps was granting RRL's request for consulting party status, and requested written comments on the Corps' final determination within 30 days.

87. On May 21, 2026, RRL submitted comments to the Corps which raised numerous concerns about deficiencies in the Corps' determination—including the Corps' failure to consult with Plaintiffs prior to its "final determination."

88. RRL also raised concerns about the fact that the cultural resource surveys done in advance of the Army Corps' determination indicated that the land had been a former sugarcane plantation and noted the prevalence of the use of enslaved labor in the area but failed to take adequate measures to determine whether any unmarked cemeteries existed in the area and where.

B. Clean Hydrogen Works / The Ascension Clean Energy Ammonia Plant

89. On June 28, 2023, Clean Hydrogen Works submitted an application to the Corps seeking a permit for its Ascension Clean Energy ammonia plant.

90. On September 23, 2025, Rural Roots requested to be a consulting party in the Corps' mandatory Section 106 review. Rural Roots' request specifically noted the concerns about unmarked cemeteries in the targeted area. Exhibit C.

91. The Corps did not respond to Rural Roots' request.

92. On March 2, 2026, the Corps granted the permit for the CHW Plant site.

93. The Corps violated the federal regulations implementing Section 106 of the NHPA by failing to meaningfully consult with the descendant community early, or at all, with regard to the permit sought by Ascension Clean Energy.

94. Subsequent to the commencement of this litigation, RRL received documents from the Corps in response to a Freedom of Information Act ("FOIA") request. Among those documents

was a cultural resources survey of the property which confirmed that the land had once been home to a sugarcane plantation that used enslaved labor.

C. CF Industries Ammonia Plant

95. On February 7, 2025, CF Industries submitted an application to the Corps for a permit to construct a facility on the site of the former Elise Plantation.

96. On September 23, 2025, Plaintiffs submitted a written request to the Corps for consulting party status for the CF Industries ammonia plant undertaking.

97. In this instance, while the Corps granted Rural Roots' request for consulting party status for its Section 106 review of CF's application on December 16, 2025, it has not since made reasonable and good faith efforts to consult with Rural Roots prior to authorizing these ground-disturbing activities on the site.

98. When the Corps responded to Rural Roots' request to be a consulting party, the Corps advised Rural Roots that "the Section 106 consultation has not been initiated yet."³² The Corps further advised Ms. Ashley Gagnard, founder of Rural Roots, that she would be receiving an invitation to participate once the consultation was initiated.

99. On March 24, 2026, Ms. Gagnard received an email again acknowledging that the Corps was inviting her/Rural Roots to be a Consulting Party to its Section 106 review of the permit application of CF Industries, with an attached letter.

³² Email from Army Corps of Engineers to A. Gagnard (Dec. 16, 2025) (annexed hereto as Exhibit D).

100. However, the letter attached to the email informed Ms. Gagnard that the Corps had made a “Final Effect Determination” of “No Adverse Effect to Historic Properties with Condition of Avoidance” for the permit sought by CF Industries.³³

101. The email to which the final determination letter was attached, indicated again that the Corps invited Ms. Gagnard/Rural Roots “to participate as a Consulting Party member” for the Corps’ Section 106 review of CF Industries’ permit application.³⁴ It advised Ms. Gagnard that she had 30 days to provide comments on the decision and documents forwarded to her by the Corps.

102. This correspondence confirms that the Corps failed to meaningfully consult with Plaintiff Rural Roots Louisiana - despite having granted it consulting party status. The Corps made a final “no effects” determination without consulting in any way with a party it acknowledged had an interest in the historic and cultural resources on the property.

103. The documents sent along with the “no effect” letter included two cultural resource surveys—one from 2018 and one from 2023—and what appeared to be a set of instructions for avoiding historic properties, dated March 18, 2026.³⁵

104. The document instructed CF Industries to protect one known archaeological site on the property: the ground remains of the Elise Reuss Schoolhouse. However, with regard to unmarked graves, the letter instructed “the permittee” that if any “abandoned cemeteries, unmarked graves, or human remains are discovered during the permitted activity,” the permittee

³³ Letter from Army Corps of Engineers to A. Gagnard (Mar. 24, 2026) (annexed hereto as Exhibit E)

³⁴ Email from Army Corps of Engineers to A. Gagnard (Mar. 24, 2026) (annexed hereto as Exhibit F)

³⁵ Avoidance Instructions, Army Corps of Engineers, sent to A. Gagnard (Mar. 24, 2026) (annexed hereto as Exhibit G)

is to “stop work immediately and comply with the Louisiana Unmarked Human Burial Sites Preservation” and notify the relevant authorities.

105. Plaintiffs are alarmed that the Corps issued a final decision that the permitted project would have no effects on historic properties with only one condition of avoidance for the area that used to be home to a schoolhouse. And that the Corps did so without consulting with Plaintiff Rural Roots beforehand, even though it had acknowledged its consulting party status.

106. With regard to the conditions set in the avoidance instructions, Plaintiffs are concerned that if graves are discovered, it would be as a result of intrusive, heavy ground-disturbing activities that would disturb and do harm to the graves, at which point damage will have already been done. These same instructions and applicable laws have not prevented the destruction of other graves of enslaved people elsewhere in the River Parishes, as set out above.

107. The land where CF Industries intends to build an ammonia facility is the site of the former Elise Plantation, which appears in an 1829 plat survey map as the property of Louis Landry.³⁶ Sometime before 1858, Landry likely sold the property to W.C.S. Ventress, and sometime after Emancipation, the plantation became the property of the Reuss family, which also owned the Germania, Mulberry Grove, and Cuba Plantations.³⁷

108. A cultural resources survey of the land was done by Surveys Unlimited Research Associates (SURA)³⁸ in 2018 as part of the Louisiana Economic Development Site Certification

³⁶ Steven J. Filoromo, Margaret Schultz & Cristyn Maxey, *A Phase 1 Cultural Resources Survey of the Elise Schoolhouse in Ascension Parish, Louisiana*, p. 9, TerraXplorations, Inc. (Oct. 2023) (hereinafter “TerraX Report”) (on file with Plaintiffs).

³⁷ *Id.*

³⁸ SURA Report, *supra* note 10, at i.

Program, which “assist[s] communities throughout Louisiana to identify and certify industrial sites as development-ready.”³⁹

i. Jim Crow-era school for Black children destroyed in 2023 shortly before CF purchased the property.

109. The SURA survey confirmed the location of the Elise Schoolhouse. A later survey conducted by TerraXplorations, Inc., (“TerraX”) noted that in 1904 the “Elise School was one of only eight plantation schools for Black children in Ascension Parish, compared to the ten active, and fourteen proposed White-only Schools.”⁴⁰

110. Although the property owner denied SURA access to the part of the Elise Plantation project area that included the historic Elise Schoolhouse, the SURA report authors believed the schoolhouse “meets the National Register’s criteria for evaluation under Criterion A and Criterion C.”⁴¹ The authors went on to “recommend further evaluation of the historic properties associated with the Elise Schoolhouse prior to ground disturbing activities to determine eligibility for inclusion to the NRHP.”⁴²

111. However, at some point in 2023, the schoolhouse was destroyed. When TerraX published its cultural resources study in 2023 for CF Industries, it reported that “the schoolhouse was still standing until early 2023” but then went on to note that the “former landowner or relative (a Hayward) destroyed the schoolhouse in hopes to sale [sic] the property with greater ease” and that “CF Industries purchased the property in 2023.”⁴³

³⁹ *Certified Industrial Sites*, Louisiana Economic Development, <https://www.opportunitylouisiana.gov/why-louisiana/certified-sites/certified-industrial-sites> (last visited Apr. 1, 2026).

⁴⁰ TerraX Report, *supra* note 36, at 13.

⁴¹ SURA Report, *supra* note 10 at i.

⁴² *Id.*

⁴³ TerraX Report, *supra* note 36, at 14.

112. As a result of the demolition of the school itself, the ground where the schoolhouse once stood was investigated as an archeological site as opposed to a historic structure, and TerraX recommended it “as potentially eligible for inclusion in the National Register under Criterion D”⁴⁴

113. Section 110(k) of the NHPA, 54 U.S.C. § 306113, and 36 C.F.R. § 800.9(c), prohibit intentional advance destruction of historic properties. This provision requires the Army Corps to deny the permit application where such intentional anticipatory demolition has occurred, unless and until the agency goes through a special consultation process with the Advisory Council on Historic Preservation to determine whether circumstances justify granting the permit at all, in light of the earlier demolition.

114. Section 110(k) states that “a federal agency may not grant a permit to an applicant who has already adversely affected historic property.” *Committee to Save Cleveland’s Huletts v. U.S. Army Corps of Engineers*, 163 F. Supp. 2d 776, 792-93 (N.D. Ohio 2001).

115. In light of the purpose of the NHPA and the statutory requirements, the Corps must be required to investigate the circumstances surrounding the demolition of the Schoolhouse in consultation with the ACHP.

ii. The Corps failed to require the location of graves of people enslaved on the properties.

116. In 2023, the TerraX investigators also acknowledged the history of slavery on the site and even opined that “[e]nslaved peoples likely laid to rest their loved ones within the marginal

⁴⁴ *Id.* at Abstract.

lands” on the property.⁴⁵ However, they limited their search for burial sites to a review of “historic aerial imagery and maps of the project area and batture.”⁴⁶

117. Although the report concluded “there are no locations that might potentially indicate the presence of an unmarked cemetery,”⁴⁷ there is no indication that this survey, which relied on locating anomalies and absences in maps and imagery, was followed up with industry-accepted standards for locating burial sites such as ground penetrating radar, magnetometry, landscape modeling or oral histories.

118. Considering the sensitivity and cultural and religious significance of the burial sites known to exist on these properties, this methodology falls far short of the “reasonable and good faith effort” the ACHP says is required by Section 106.

119. This is especially so when considering the ACHP’s policy guidance on burial sites, human remains, and funerary objects, which requires that they be “treated with dignity and respect in all circumstances ... [at] all times prior to and during consultation.”⁴⁸ The ACHP policy also requires that burial sites, human remains, or funerary objects not be disturbed “unless there are no other alternatives available and only after consultation with descendants or associated communities and fully considered avoidance of impact and preservation in place.”⁴⁹

120. Despite this policy guidance and the cultural, historic, and religious significance of the burial sites, before permitting the Project and without having initiated meaningful consultation

⁴⁵ *Id.* at 9.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ ACHP Burial Sites Policy Statement, *supra* note 3, at 2.

⁴⁹ *Id.*

with descendants, the Corps has made a premature final “no effects” determination and is allowing CF Industries to undertake extensive ground-disturbing on the site, such as those shown below:⁵⁰

Photo 1



Photo 2

⁵⁰ Photographs 1-4 showing activity on CF Industries site taken by C. Gibb (Mar. 18, 2026). Photographs 5-7 taken by T. Collins on March 4, 20, and 31, 2026, respectively.



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



121. As can be seen in these photos, the activity on the site is not minor. It is extensive, invasive, disruptive, and ground-disturbing, with paving, trenching, digging, and heavy grading. As shown in photos 5-7, at least three trucks have overturned at or near the site, spilling large amounts of gravel and further demonstrating the risks posed to the land by these construction activities, which pose a severe and imminent risk of disturbing burial sites known to exist on the property.

CONSTITUTIONAL AND STATUTORY REQUIREMENTS

The Thirteenth Amendment

122. The Thirteenth Amendment, ratified in 1865, abolished slavery and provided the means for abolishing all of its “badges and incidents,” *Civil Rights Cases*, 109 U.S. 3, 20 (1883). Its obligations apply to both state and private actors.

The National Historic Preservation Act

123. With regard to historic preservation law, Congress enacted the NHPA in 1966, with the express intent that “the historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American People.” Pub. L. No. 89-665, 80 Stat. 915 (1966).

124. Congress intended that the NHPA will “insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation,” particularly in response to proposals to expand “industrial developments” in historically and culturally valuable areas. *Id.*

125. Section 106 of the NHPA requires that federal agencies, “prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property.” 54 U.S.C. § 306108. The term “undertaking” is broadly defined to mean “a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency,” and

relevant here, expressly includes activities “requiring a federal permit, license, or approval.” *Id.* § 300320; accord 36 C.F.R. § 800.16(y).

126. “Historic property” is defined to include “any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object.” 54 U.S.C. § 300308. The goal of the Section 106 consultation process is “to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.” 36 C.F.R. § 800.1(a).

127. The ACHP was established under the NHPA with the authority to promulgate binding regulations to implement Section 106. See 54 U.S.C §§ 304101-304102, 304108. Relevant here, those regulations provide that agencies “must complete the Section 106 process *prior to* the approval of . . . the undertaking or prior to the issuance of any license.” 36 C.F.R. § 800.1(c) (emphases added).

128. Although agencies may authorize “nondestructive project planning activities before completing compliance with section 106,” they may do so only where “such actions do not restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking’s adverse effects on historic properties.” *Id.*

129. Agencies must also “ensure that the section 106 process is initiated early in the undertaking’s planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.” *Id.*

130. “Consultation is the hallmark of the Section 106 process and is foundational to inform the broader decision-making efforts by federal agencies and state and local governments,”

according to the ACHP.⁵¹ Consultation in this context is “the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process.” 36 C.F.R. § 800.16(f).

131. The responsible agency official must ensure that the process provides stakeholders—including the State Historic Preservation Officer (“SHPO”), local governments, Tribes, and other interested parties (referred to as “consulting parties”)—a reasonable opportunity to identify concerns about historic properties, advise on their identification and evaluation, articulate views on the undertaking’s effects, and participate in resolving adverse effects. *Id.* § 800.2(a), (c).

132. Agencies are also directed to “seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking.” *Id.* § 800.2.

133. When an agency determines that a project “has the potential to cause effects on historic properties,” it must initiate the Section 106 process, *id.* § 800.3, which is the first step of the process. At that stage, the agency must “[d]etermine and document the area of potential effects” (“APE”) of the project. *Id.* § 800.4(a)(1). The APE is defined by regulation to include the area “within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties.” *Id.* § 800.16(d).

134. The size and scope of the APE “is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” *Id.* The agency must determine the APE in consultation with the SHPO, and must seek information about

⁵¹ ACHP Burial Sites Guidance, *supra* note 4, at 4.

such sites from consulting parties, individuals, or organizations “likely to have knowledge of . . . historic properties in the area” *Id.* § 800.4.

135. Once the APE is delineated, the agency moves to Step 2 in the Section 106 process—identifying historic properties in the APE. There, the agency must “make a reasonable and good faith effort” to identify all historic properties within that area, in consultation with the SHPO and “any Indian tribe . . . that might attach religious and cultural significance to properties within the area of potential effects” 36 C.F.R. § 800.4(b). The agency must also identify properties within the APE that have not been previously evaluated for eligibility for inclusion on the NRHP, but nevertheless meet the criteria for inclusion. *Id.* § 800.4(a)(4), (c).

136. The NHPA authorizes the Secretary of the Interior to maintain the NRHP as a list of “districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture.” 36 C.F.R. § 60.1(a). “Site” is defined by regulation to broadly include “the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.” *Id.* § 60.3(l). “Thus, a property may be defined as a ‘site’ as long as it was the location of a significant event or activity, regardless of whether the event or activity left any evidence of its occurrence.”⁵² Moreover, “[a] culturally significant natural landscape may be classified as a site, as may the specific location where significant traditional events, activities, or cultural observances have taken place.”⁵³

⁵² Patricia L. Parker & Thomas F. King, U.S. Dep’t of the Interior Nat’l Park Serv., Nat’l Reg. Bulletin No. 38: *Guidelines for Evaluating and Documenting Traditional Cultural Properties*, p. 9 (1992), <https://www.nps.gov/subjects/nationalregister/upload/NRB38-Compleweb.pdf>.

⁵³ *Id.*

137. A traditional cultural property (“TCP”) is “defined generally as one that is eligible for inclusion in the [NRHP] because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community.”⁵⁴

138. Once historic properties within the APE are identified, the agency must evaluate the historic significance of such sites and determine whether they are potentially eligible for listing under the NRHP, before an agency can complete Step 2 of the Section 106 process. 36 C.F.R. § 800.4(c). In Step 3 of the NHPA Section 106 process, the agency analyzes the effects to historic properties identified during Step 2. Thus, once the agency identifies historic properties that may be affected by the undertaking, the agency must “notify all consulting parties ... [and] invite their views on the effects and assess adverse effects” of the project on those properties. 36 C.F.R. § 800.4(d)(2).

139. An adverse effect is defined by regulation to include situations “when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the [NRHP] in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.” 36 C.F.R. § 800.5(a)(1) In making its determination, the agency must consider “all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the [NRHP].” *Id.* “Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.” *Id.*

⁵⁴ *Id.*

140. If there is a determination of adverse effects, Step 4 of the Section 106 process requires the agency to “consult with the SHPO/THPO and other consulting parties . . . to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties.” 36 C.F.R. § 800.6(a).

The Administrative Procedure Act

141. Under Section 702 of the APA, a “person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.” 5 U.S.C. § 702.

142. Under the APA, a reviewing court shall “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1).

143. In addition, a reviewing court “shall hold unlawful and set aside agency actions, findings, and conclusions” when they are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;” when they are “contrary to constitutional right, power, privilege, or immunity;” when they are issued in excess of statutory authority; or when they are adopted “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).

144. An agency action is arbitrary and capricious if the agency “relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency,” or if the agency’s decision “is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Motor Vehicle Mfr. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

* * *

145. The Corps has run roughshod over the constitutional rights of the descendants of those enslaved on the land to be free of this badge or incidents of slavery, and circumvented the NHPA's requirements of meaningful consultation and review of the projects for potential effects on historic properties.

The Clean Water Act and Rivers and Harbors Act

146. Congress enacted the Clean Water Act “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251(a).

147. Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States, which include rivers (such as the Mississippi River and its tributaries) and certain wetlands. 33 U.S.C. § 1344.

148. Section 404 generally requires a permit before any dredged or fill material may be discharged into waters of the United States. *Id.* The Army Corps is the agency charged with administering the Section 404 permitting program.

149. Additionally, certain proposed actions that have the potential to affect or alter any Army Corps Civil Works project—such as, for example, a project that may affect a levee, or a project that may affect a navigable waterway maintained and surveyed by the Corps—are required to obtain an authorization from the Corps under Section 408 of the Rivers and Harbors Act. 33 U.S.C. § 408.

CLAIMS FOR RELIEF

First Claim for Relief **Thirteenth Amendment – All Megapark Projects**

150. Plaintiffs reallege and incorporate by reference each and every allegation contained in the foregoing paragraphs of this Complaint.

151. The Thirteenth Amendment, ratified in 1865, abolished slavery and provided the means for abolishing all of its “badges and incidents,” *Civil Rights Cases*, 109 U.S. 3, 20 (1883).

152. The gravesites containing the graves of people enslaved in the slavery system are inseparable badges and incidents of that system. They are real, tangible, and direct vestiges of slavery.

153. Their treatment historically has led to desecration and destruction of some of these gravesites through industrial development in the region of the River Parishes, and to the inability of Plaintiffs and other descendants to locate, recover, access, commemorate and care for the cemeteries known to exist.

154. Plaintiff Harry Joseph Sr. and the members and staff of Plaintiffs Rural Roots and Mount Triumph Baptist Church are descendants of people enslaved in the River Parishes, who desire to preserve and protect gravesites of enslaved ancestors.

155. The Thirteenth Amendment requires, at a minimum, that federal agencies affirmatively require that such sites be located and protected in consultation with affected descendant communities prior to allowing any ground-disturbing activities on the sites when considering licensing development projects.

156. The Corps’ failure to do so for the proposed CFI Plant and CHW Plant sites violates the Thirteenth Amendment.

157. The Corps’ failures to adhere to the requirements of the NHPA and implementing regulations may also be addressed through Section 706(2)(B) of the Administrative Procedure Act as it is “contrary to a constitutional right, power, privilege, or immunity.”

158. The Corps’ failure to meaningfully consult with Plaintiffs and others in the descendant community prior to allowing destructive activities on the site violates the Thirteenth

Amendment as continuing a “badge or incident” of slavery, and is redressable by this Court pursuant to Section 706(2)(B) of the APA.

159. The Corps’ failure to consult with Plaintiff Rural Roots Louisiana and other concerned members of the descendant community prior to making a final determination of no adverse effects for the proposed CFI Plant and CHW Plant sites violates the Thirteenth Amendment as a continuing “badge or incident” of slavery, and is redressable through Section 706(2)(B) of the APA.

160. The Corps’ failure to consult with Plaintiffs and to require the location of the gravesites was intentional as it has long been on notice that such gravesites exist on these properties along the Mississippi River and that members of the descendant community were concerned and desired to participate in the 106 review.

161. The Corps’ decision to allow the ground-disturbing activities violates the Thirteenth Amendment in that the failure to prioritize locating these unmarked graves known to exist on these properties, leaving them unmapped and vulnerable to damage and disturbance through accidental or inadvertent discovery, constitutes an ongoing badge or incident of slavery—as a continuation of the degrading treatment afforded to those buried there, and to their living descendants.

Second Claim for Relief
National Historic Preservation Act – CFI Plant and Energy Transition Parkway

162. Plaintiffs reallege and incorporate by reference each and every allegation contained in the foregoing paragraphs of this Complaint.

163. On January 12, 2026, Rural Roots Louisiana submitted a written request to the Corps for consulting party status in the Section 106 review for the Energy Transition Parkway permit.

164. The Corps did not respond to this request until April 22, 2026.

165. On April 22, 2026, the Corps granted Rural Roots Louisiana's request for consulting party status. At the same time, the Corps also notified Rural Roots Louisiana that the Corps had made a final determination that there would be no adverse effects to historic properties as a result of the Energy Transition Parkway.

166. The Corps did not consult with Plaintiffs prior to making its final determination with regards to the Energy Transition Parkway permit.

167. The Corps' April 22, 2026 final determination of no adverse effects with respect to the Energy Transition Parkway was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," and "contrary to constitutional right." 5 U.S.C. § 706(2)(A) and (D).

168. On September 23, 2025, Rural Roots Louisiana submitted a written request to the Corps for consulting party status in the Section 106 review of the CF Industries ammonia plant permit.

169. The Corps granted Rural Roots Louisiana's request to be a consulting party on December 16, 2025.

170. On March 24, 2026, the Corps emailed Rural Roots to invite Rural Roots to participate as a consulting party for the Corps' Section 106 review of the CFI permit application.

171. This email also included an attached letter informing Rural Roots that the Corps had made a "Final Effect Determination" of "No Adverse Effect to Historic Properties with Condition of Avoidance" for the permit sought by CF Industries.

172. The Corps did not consult with Plaintiffs prior to making its final determination with regards to the CF Industries permit.

173. The Corps has failed to conduct a meaningful consultation with the descendant community, and in particular Plaintiff Rural Roots Louisiana, before allowing construction activities on the proposed CF Industries.

174. The extensive ground-disturbing road construction, trenching, digging, paving, and grading currently underway on the proposed CF Industries site poses a risk of harm and disturbance to the graves of people once enslaved on the property that are known to exist everywhere a plantation operated in the region.

175. The NHPA regulations require that “the Section 106 process is initiated early in the undertaking’s planning... .” 36 C.F.R. § 800.1(c). The Corps failed to do so in this instance.

176. According to the ACHP, “consultation is the hallmark of the Section 106 process and is foundational to inform the broader decision-making efforts by federal agencies and state and local governments.”⁵⁵ That consultation should include the associated communities as early as practicable.

177. The ACHP Burial Sites Guidance directs the Army Corps to consider the “impacts of intergenerational trauma resulting from [the history of slavery, forced assimilation, and relocation], including impacts on their social, cultural, spiritual, mental, and physical wellbeing.”⁵⁶

178. The ACHP policy recognizes that disturbing plantation cemeteries, including through inadvertent discovery, “can have traumatic and compounding effects.”

179. The ground-disturbing activities also violate the regulation requiring that the Corps not authorize activities before final permits are issued that are destructive or that could “restrict

⁵⁵ ACHP Burial Sites Guidance, *supra* note 4, at 4.

⁵⁶ *Id.* at 12.

the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties." 36 C.F.R. § 800.1(c).

180. The Corps' failures to undertake meaningful consultation with Plaintiffs and others in the descendant community prior to authorizing ground-disturbing activities on the site constitute a violation of the NHPA as an action "unlawfully withheld or unreasonably delayed," pursuant to Section 706(1) of the Administrative Procedure Act. 5 U.S.C. § 706(1).

181. In addition, the Corps' decision to allow the ground-disturbing activities undertaken by CF Industries is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," "contrary to constitutional right," and Plaintiffs request this Court set aside the Corps' decision pursuant to Section 706(2)(A) and (D).

182. The Corps' March 24, 2026 decision to render a final determination of no adverse effects with condition of avoidance with respect to the CF Industries Permit is also "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," "contrary to constitutional right," and Plaintiffs request this Court set aside the Corps decision pursuant to Section 706(2)(A) and (D).

Third Claim for Relief
National Historic Preservation Act – CFI Plant

183. Plaintiffs reallege and incorporate by reference each and every allegation contained in the foregoing paragraphs of this Complaint.

184. Consultants surveying the property that CF Industries purchased for its proposed ammonia plant documented the existence of the Elise Schoolhouse, which was a school for the education of Black schoolchildren in the Jim Crow era.

185. As a result, the authors of the survey report believed the schoolhouse “meets the National Register’s criteria for evaluation under Criterion A and Criterion C”⁵⁷ and “recommend[ed] further evaluation of the historic properties associated with the Elise Schoolhouse prior to ground disturbing activities to determine eligibility for inclusion to the NRHP.”⁵⁸

186. When a consultant published its cultural resources study in 2023 for CF Industries, it reported that while “the schoolhouse was still standing until early 2023,” the “former landowner or relative (a Hayward) destroyed the schoolhouse in hopes to sale [sic] the property with greater ease. CF Industries purchased the property in 2023.”⁵⁹

187. As a result of its demolition, the schoolhouse itself could not be investigated as an archeological structure but the remaining grounds were as an archaeological site, and TerraX recommended it “as potentially eligible for inclusion in the National Register under Criterion D”⁶⁰

188. Section 110(k) states that “a federal agency may not grant a permit to an applicant who has already adversely affected historic property.” *Committee to Save Cleveland’s Huletts v. U.S. Army Corps of Engineers*, 163 F. Supp. 2d 776, 792-93 (N.D. Ohio 2001).

189. Section 110(k) of the NHPA, 54 U.S.C. § 306113, prohibits the intentional advance destruction of historic properties. *See also* 36 C.F.R. § 800.9(c). This provision requires the Army Corps to deny the permit application where such intentional anticipatory demolition has occurred, unless and until the agency goes through a special consultation process with the Advisory Council

⁵⁷ SURA Report, *supra* note 10 at i.

⁵⁸ *Id.*

⁵⁹ TerraX Report, *supra* note 36, at 14.

⁶⁰ *Id.* at Abstract.

on Historic Preservation to determine whether circumstances justify granting the permit at all, in light of the earlier demolition.

Fourth Claim for Relief
National Historic Preservation Act – Ascension Clean Energy Plant

190. Plaintiffs reallege and incorporate by reference each and every allegation contained in the foregoing paragraphs of this Complaint.

191. On September 23, 2025, Rural Roots requested to be a consulting party in the Corps' mandatory Section 106 review for the CHW Plant.

192. Rural Roots' request specifically noted the existing concerns about unmarked cemeteries in the targeted area for the Corps.

193. On March 2, 2026, over five months after Rural Roots requested consulting party status, the Corps granted the permit for the CHW Plant site.

194. The Corps never responded to Rural Roots' request for consulting party status.

195. Agencies are required to consider and respond to all written requests for consulting party status. 36 C.F.R. § 800.3(f)(3).

196. Once a party is granted consulting party status, the agency is required to involve them in the findings and determinations made throughout the section 106 process. 36 C.F.R. § 800.2(a)(4).

197. The Corps' failure to respond to Rural Roots' request for consulting party status constitutes agency action "unlawfully withheld or unreasonably delayed," pursuant to Section 706(1) of the Administrative Procedure Act. 5 U.S.C. § 706(1).

198. The Corps' regulations governing the processing of permits states that the Corps may reevaluate the circumstances of any permit, either of its own accord or on the request of a third

party, and initiate action to modify, suspend, or revoke a permit “as may be made necessary by considerations of the public interest.” 33 C.F.R. § 325.7(a).

199. The regulations further state the Corps may suspend a permit upon a written determination and finding that suspension would be in the public interest, and authorizes the district engineer to order the permittee to stop those activities previously authorized by the suspended permit. 33 C.F.R. § 325.7(c).

200. The Corps’ regulations state that one factor that may be considered in weighing a suspension includes “any significant objections to the authorized activity which were not earlier considered.” 33 C.F.R. § 325.7(a).

201. Rural Roots and other members of the descendant community are individuals and/or organizations with a demonstrated interest in the CHW Plant undertaking. 36 C.F.R. § 800.2(c)(5).

202. Rural Roots fits the criteria to be granted consulting party status for the CHW Plant undertaking, as the Corps determined it did for the other neighboring Megapark projects.

203. The Corps’ failure to respond to Rural Roots’ request for consulting party status deprived Rural Roots of the opportunity to participate in the Section 106 process for the permit sought by Ascension Clean Energy.

204. The concerns of Rural Roots and other members of the descendant community regarding the potential destruction of unmarked graves on the site as a result of the permittee’s activities constitute “significant objections to the authorized activity which were not earlier considered.” 33 C.F.R. § 325.7(a).

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment in their favor as follows:

1. That the Court enter a declaratory judgment that Defendants violated the Thirteenth Amendment by (i) failing to meaningfully consult with Plaintiff Rural Roots Louisiana and others in the descendant community prior to authorizing extensive, ground-disturbing activities on the proposed CFI and CHW sites that could pose a threat to unmarked gravesites known to exist on the properties; (ii) failing to require the permit applicants to affirmatively and positively locate the gravesites known to exist on the property prior to undertaking any construction-related activities; (iii) and issuing a final determination of no adverse effects on historic properties prior to consulting with Plaintiff Rural Roots Louisiana and other concerned members of the descendant community.

2. That the Court enter a declaratory judgment that the Defendants violated the NHPA and its implementing regulations, and the APA's requirement that agency actions not be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, by (i) failing to make a reasonable and good faith effort to consult with Plaintiff Rural Roots and others in the descendant community prior to authorizing ground-disturbing activities on the sites and prior to issuing a final determination of no adverse effects on historic properties; and (ii) by authorizing activities that could damage and disturb the gravesites and restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties.

3. That the Court order Defendants to revoke the authorization to CF Industries for the ground-disturbing activities on the site and immediately initiate a 106 consultation with Plaintiff Rural Roots Louisiana and other concerned members of the descendant community, and taking full account of the Policy Statement of the Advisory Council on Historic Preservation concerning Burial Sites, Human Remains, and Funerary Objects, dated March 1, 2023;

4. That the Court order the Corps to undertake a special consultation with the Advisory Council on Historic Preservation to determine whether the demolition of the Elise Schoolhouse

constituted an anticipatory demolition in violation of the NHPA as part of its review of the CF Industries permit application.

5. That the Court order Defendants to suspend the permit for the Ascension Clean Energy plant until it has undergone a full Section 106 consultation process with Plaintiff Rural Roots Louisiana and other concerned members of the descendant community;

6. That the Court enjoin Defendants from making and/or implementing any further decisions to authorize further pre-permitted activities and construction on these sites, and from making and/or implementing a final decision on the permit applications for each of the three Megapark Projects until such time as Defendants have completed a meaningful and legally adequate Section 106 consultation for each project.

Dated: June 16, 2026

Respectfully submitted,

William P. Quigley*
Professor Emeritus of Law
Loyola University College of Law
7214 St. Charles Avenue
New Orleans, LA 70118
Tel. (504) 710-3074
Fax (504) 861-5440
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s/ Sanghyun Lee
Sanghyun Lee, DC Bar No. 1632212
Jennifer Duggan, DC Bar No. 978352
Environmental Integrity Project
888 17th Street NW, Suite 810
Washington, DC 20006
Telephone: (202) 263-4441
SLee@environmentalintegrity.org
jduggan@environmentalintegrity.org

Astha Sharma Pokharel*
Kayla Vinson*
Pamela C. Spees*
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
Tel. (212) 614-6431
Fax (212) 614-6499
astha.sharmapokharel@ccrjustice.org
kvinson@ccrjustice.org
pspees@ccrjustice.org

Counsel for Plaintiffs

**pro hac vice application pending*

EXHIBIT A

RRL Request for Consulting Party Status
for the Energy Transition Parkway (Jan. 12, 2026)



Pam Spees <pspees@ccrjustice.org>

Energy Transition Parkway - Rural Roots Louisiana consulting party status request

1 message

Adrian Alpay <adrian@alpaylaw.net>

Mon, Jan 12, 2026 at 3:48 PM

To: "brad.laborde@usace.army.mil" <brad.laborde@usace.army.mil>, "Brian.E.Ostahowski@usace.army.mil"

<Brian.E.Ostahowski@usace.army.mil>

Cc: Ashley Gaignard <ashley@ruralrootslouisiana.org>, Pam Spees <pspees@ccrjustice.org>

Mr. Laborde and Mr. Ostahowski,

Please see the attached correspondence from Ms. Ashley Gaignard, Founder and Executive Director of Rural Roots Louisiana, requesting consulting party status in USACE's ongoing review of permits for the Energy Transition Parkway. Thank you.

Adrian Alpay[711 E Ascension St.](#)

PMB219

Gonzales, LA 70737

(225) 255-1448

**Rural Roots Consulting Party Status Request Letter.pdf**

203K

January 12, 2026

Brad Laborde
Chief, Eastern Evaluation Section
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, Louisiana 70118
Brad.Laborde@usace.army.mil

Brian E. Ostahowski, MA, RPA
Archaeologist and District Tribal Liaison
U.S. Army Corps of Engineers, New Orleans District
Regional Planning and Environment Division, South
Brian.E.Ostahowski@usace.army.mil

Re: Request for Consulting Party Status in USACE's Review of Permit Application
for Energy Transition Parkway in Ascension Parish

Dear Mr. Laborde and Mr. Ostahowski,

I write on behalf of Rural Roots Louisiana to request consulting party status in the Corps' required consultation, pursuant to Sec. 106 of the National Historic Preservation Act, as part of its review of permit applications for the Energy Transition Parkway proposed for the west bank of Ascension Parish, in the village of Modeste.

Rural Roots Louisiana is a non-profit organization founded in Ascension Parish with a mission to educate children in our community on issues relating to the environment and social justice, and to promote community stewardship and care of the earth. We have staff who reside in Modeste and others with family who reside there, and who have ancestors buried in cemeteries in Modeste. They thus stand to be directly affected by the proposed project.

Modeste is a close-knit community rich in history and culture. The area is home to sites that have been listed on the National Register of Historic Places, such as Mulberry Grove Plantation, and noted state landmarks, such as Gaudin Home Place at Philadelphia Point. As Modeste was the site of several plantations that used enslaved labor, we know there are unmarked cemeteries in the area because people enslaved on the plantations were most often buried on plantation property without headstones or grave markers commonly associated with formally designated cemeteries. After Emancipation, formerly enslaved people and their descendants were able to build a community together that endures to this day. Modeste is also home to several local churches, some of which

are more than 100 years old, with cemeteries where family members of some of our staff are buried. We consider the area not only historically significant, but sacred.

The proposed industrial “mega park” and related plans for the Energy Transition Parkway would force the complete displacement of this community, and would destroy this important history and culture, and sites of profound spiritual significance.

As an organization staffed with people who live in and who have family in the affected community, we look forward to the opportunity of working with you to assess the potential effects on these sites that are, in the words of National Register’s criteria, “associated with events that have made a significant contribution to the broad patterns of our history” and “the lives of persons significant in our past.”

Sincerely,



Ashley Gagnard
Founder and Executive Director
Rural Roots Louisiana
(225) 323-7053
ashley@ruralrootslouisiana.org

cc:

Adrian Alpay
Attorney at Law
adrian@alpaylaw.net

Pam Spees
Senior Staff Attorney
Center for Constitutional Rights
pspees@ccrjustice.org

EXHIBIT B

USACE Final Determination Letter
for Energy Transition Parkway (Apr. 17, 2026)



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS LA 70118-3651
April 17, 2026

Subject: Section 106 Review Consultation Phase I Report No Effects to Historic Properties

Undertaking: Energy Transition Parkway Project Ascension Parish, Louisiana (Lat. 30.1575667 Long. -91.04780333) (Regulatory Permit # MVN-2024-00898-CO)

Ashley Gaignard, Founder and Executive Director
Rural Roots Louisiana
(225)323-7053
ashley@ruralrootslouisiana.org

Dear Ms. Gaignard:

The U.S. Army Corps of Engineers, New Orleans District (CEMVN), Regulatory Division, Central Evaluation Branch (RGC), has reviewed the enclosed Phase I Survey draft report (Enclosure 1) by ELOS dated October 2024 and titled, *Phase I Cultural Resources Survey Energy Transition Parkway (Phase II) Ascension Parish, Louisiana*. The permit application (Enclosure 2) proposed project activity proposes a roadway to support future development in the area. The roadway will consist of two 12-foot lanes with 4-foot shoulders. The roadway will be approximately 32' x 10,163' and the ROW will be approximately 100' wide. A 4' x 9.771' ditch will be constructed parallel to the proposed roadway. All work will be completed within the project footprint. The proposed project will install box culverts as well as rip rap where necessary. Drainage ditches will be installed where necessary to allow for proper storm water drainage and will tie into the existing larger drainage network (Undertaking).

One previously recorded archaeological site was revisited during this investigation. The LeBlanc Farm Site (16AN22) was first recorded in 1977 as late nineteenth and early twentieth century residences, a creole-style and a saddlebag house, which are no longer extant. Archaeological investigation yield 29 historic artifacts, including brick, glass, ceramic, and metal. The investigation yielded no features. Due to a lack of integrity and significance, CEMVN determines that 16AN22 is **ineligible** for the National Register of Historic Places (NRHP) based on Criteria for Evaluation (36 CFR 60.4[a-d]).

Final Effect Determination: No Effect to Historic Properties 36 CFR 800.4(d)(1).

Should you have any questions or need additional information regarding this undertaking, please contact Erin Powers at (504) 862-2080, or by email at Erin.L.Powers@usace.army.mil, or Brian E. Ostahowski, Tribal Liaison at 504-862-2188 or by email at Brian.E.Ostahowski@usace.army.mil.

Sincerely,

Neil Gauthier

Digitally signed by Neil Gauthier
Date: 2026.04.17 14:26:03
-05'00'

Neil T. Gauthier
Chief, Central Evaluation Branch,
Regulatory Division

List of Recipients:

1. Alabama-Coushatta Tribe of Texas
2. Alabama Quassarte Tribal Town
3. Chitimacha Tribe of Louisiana
4. Choctaw Nation of Oklahoma
5. Coushatta Tribe of Louisiana
6. Jena Band of Choctaw Indians, Louisiana
7. Mississippi Band of Choctaw Indians
8. Muscogee (Creek) Nation
9. Seminole Nation of Oklahoma
10. Tunica Biloxi Tribe of Louisiana
11. Louisiana State Historic Preservation Office

Enclosures:

1. Phase I Survey ineligible findings draft report with SHPO Concurrence
2. Permit Application

EXHIBIT C

RRL Request for Consulting Party Status
for Clean Hydrogen Works (Sept. 23, 2025)



Pam Spees <pspees@ccrjustice.org>

Fw: Request for Consulting Party Status in Corps' Review of Permit Application for Clean Hydrogen Works/Ascension Clean Energy in Ascension Parish, MVN-2023-00647

3 messages

Ashley Gagnard <ashley@ruralrootslouisiana.org>
To: Pam Spees <pspees@ccrjustice.org>

Tue, Sep 23, 2025 at 6:52 PM

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From: Ashley Gagnard <ashley@ruralrootslouisiana.org>
Sent: Tuesday, September 23, 2025 11:48:46 AM
To: michael.v.farabee@usace.army.mil <michael.v.farabee@usace.army.mil>;
Brian.E.Ostahowski@usace.army.mil <Brian.E.Ostahowski@usace.army.mil>
Cc: jloichinger@achp.gov <jloichinger@achp.gov>; nmorris@crt.la.gov <nmorris@crt.la.gov>
Subject: Request for Consulting Party Status in Corps' Review of Permit Application for Clean Hydrogen Works/Ascension Clean Energy in Ascension Parish, MVN-2023-00647

Please advise

Ashley Gagnard
RURAL ROOTS LOUISIANAPhone: 225-323-7053
ashley@ruralrootslouisiana.org
<https://ruralrootslouisiana.org>
DONATE: <https://www.paypal.com/ncp/payment/VAPCVJCM2CT2S>**Rural Roots Consulting Party Request Clean Hydrogen.docx**
19K

Pam Spees <pspees@ccrjustice.org>
To: Brian M Davis <bdavis@lthp.org>, Christopher Cody <CCody@savingplaces.org>

Mon, Oct 6, 2025 at 3:59 PM

Hi Brian and Cody -

Attached please find a request for Consulting Party status that Rural Roots submitted with respect to the Army Corps' consideration of a permit application for Clean Hydrogen Works - one of the facilities that is seeking to build in the Modeste area of Ascension Parish. It would be part of a planned industrial "mega plex" of approximately 17,000 acres in an area rich in historic significance and currently zoned as a conservation area.

The other facilities currently planned are CF Industries, an ammonia plant, which has already filed its permit application, and Hyundai Steel, which has yet to file for its permit.

Just wanted to alert you both to this. I'm happy to hop on a call to give more background, or connect you with some of the descendant community living in Modeste.

Hope you're both keeping well.

Pam

[Quoted text hidden]



Rural Roots Consulting Party Request Clean Hydrogen.docx

19K

Ashley Gagnard <ashley@ruralrootslouisiana.org>

Mon, Mar 23, 2026 at 7:55 PM

To: Pam Spees <pspees@ccrjustice.org>

Ashley Gagnard
RURAL ROOTS LOUISIANA



Phone: 225-323-7053
ashley@ruralrootslouisiana.org
<https://ruralrootslouisiana.org>
DONATE: <https://www.paypal.com/ncp/payment/VAPCVJCM2CT2S>

From: Ashley Gagnard <ashley@ruralrootslouisiana.org>
Sent: Tuesday, September 23, 2025 11:48 AM
To: michael.v.farabee@usace.army.mil <michael.v.farabee@usace.army.mil>;
Brian.E.Ostahowski@usace.army.mil <Brian.E.Ostahowski@usace.army.mil>
Cc: jloichinger@achp.gov <jloichinger@achp.gov>; nmorris@crt.la.gov <nmorris@crt.la.gov>
Subject: Request for Consulting Party Status in Corps' Review of Permit Application for Clean Hydrogen Works/Ascension Clean Energy in Ascension Parish, MVN-2023-00647

[Quoted text hidden]



Rural Roots Consulting Party Request Clean Hydrogen.docx
19K

September 23, 2025

Via Email

Michael Farabee
Chief, Eastern Evaluation Section
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, Louisiana 70118
michael.v.farabee@usace.army.mil

Brian E. Ostahowski, MA, RPA
Archaeologist and District Tribal Liaison
U.S. Army Corps of Engineers, New Orleans District
Regional Planning and Environment Division, South
Brian.E.Ostahowski@usace.army.mil

Re: Request for Consulting Party Status in Corps' Review of Permit Application
for Clean Hydrogen Works/Ascension Clean Energy in Ascension Parish,
MVN-2023-00647

Dear Michael Farabee and Brian Ostahowski,

I write on behalf of Rural Roots Louisiana to request consulting party status in the Corps' required consultation pursuant to Sec. 106 of the National Historic Preservation Act as part of its review of a permit application for Clean Hydrogen Works / Ascension Clean Energy proposed for the west bank of Ascension Parish in or near the village of Modeste.

Rural Roots Louisiana is a non-profit organization founded in Ascension Parish with a mission to educate children in our community on issues relating to the environment and social justice, and to promote community stewardship and care of the earth. We have staff who reside in Modeste and others with family who reside there and who thus stand to be directly affected by the proposed project.

Modeste is a close-knit community rich in history and culture. The area is home to sites that have been listed on the National Register of Historic Places, such as Mulberry Grove Plantation, and noted state landmarks, such as Gaudin Home Place at Philadelphia Point. In addition to numerous other historic structures that are likely eligible for listing and preservation, as Modeste was the site of several plantations that used enslaved labor, we know there are unmarked cemeteries in the area because people enslaved on the plantations were most often buried on plantation property without headstones or grave markers commonly associated with formally designated cemeteries. After Emancipation, formerly enslaved people and their descendants were able to build a community together that endures to this day. Modeste is also home to several local churches, some of which are more than 100 years old, with cemeteries where family members of some of our staff are buried. We consider the area not only historically significant, but sacred.

The proposed project and related plans for an industrial “mega park” would force the complete displacement of this community, and would destroy this important history and culture, and sites of profound spiritual significance.

As an organization staffed with people who live in and who have family in the affected community, we look forward to the opportunity of working with you to assess the potential effects on these sites that are, in the words of National Register’s criteria, “associated with events that have made a significant contribution to the broad patterns of our history” and “the lives of persons significant in our past.”

Sincerely,

Ashley Gaignard
Founder and Executive Director
Rural Roots Louisiana
(225) 323-7053
ashley@ruralrootslouisiana.org

cc:

Jaime Loichinger
Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Email: jloichinger@achp.gov

Nicole Hobson-Morris
Executive Director
Louisiana State Historic Preservation Office
Email: nmorris@crt.la.gov

EXHIBIT D

Email from Army Corps of Engineers to A. Gagnard (Dec. 16, 2025)



Pam Spees <pspees@ccrjustice.org>

Fw: S106 Initial Consultation for Blue Point Ammonia Plant Ascension Parish (MVN-2023-00269-CF)

Ashley Gaignard <ashley@ruralrootslouisiana.org>

Mon, Mar 23, 2026 at 8:01 PM

To: Pam Spees <pspees@ccrjustice.org>

Ashley Gaignard
RURAL ROOTS LOUISIANA



Phone: 225-323-7053

ashley@ruralrootslouisiana.org

<https://ruralrootslouisiana.org>**DONATE:** <https://www.paypal.com/ncp/payment/VAPCVJCM2CT2S>

From: Powers, Erin L CIV USARMY CEMVN (USA) <Erin.L.Powers@usace.army.mil>**Sent:** Tuesday, December 16, 2025 11:25 AM**To:** Ashley Gaignard <ashley@ruralrootslouisiana.org>**Cc:** Steinkoenig, Zachary J (Zach) CIV USARMY CEMVN (USA) <Zachary.J.Steinkoenig@usace.army.mil>**Subject:** S106 Initial Consultation for Blue Point Ammonia Plant Ascension Parish (MVN-2023-00269-CF)

Dear Ms. Gaignard,

I hope you are well. We have reviewed your request and invite you to participate in the initial Consulting Party for the U.S. Army Corps of Engineers, New Orleans District (CEMVN) Regulatory Division's Section 106 review of permit application MVN 2023-00269-CF for the construction of the Blue Point Ammonia Plant Project in Ascension Parish. At this time, Section 106 consultation has not been initiated yet. Once it is initiated, you will be receiving a CEMVN letter, a list of the other Consulting Parties invited to participate, and an initial consultation meeting invitation via Microsoft Teams.

If you have questions prior to the meeting, please feel free to reach out to me or Zach Steinkoenig (Zachary.j.steinkoenig@usace.army.mil).

V/r,

Erin L. Powers, MS, RPA

Archaeologist

Regulatory Division

New Orleans District

U.S. Army Corps of Engineers

[t] 504.862.2080

[c] 504.717.9754



EXHIBIT E

Letter from Army Corps of Engineers to A. Gaignard (Mar. 24, 2026)



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS LA 70118-3651
March 19, 2026

Regulatory Division

Subject: Section 106 Review Consultation Phase I Report No Adverse Effect with Special Condition

Undertaking: CF Industries Blue Point Low Carbon Ammonia Facility
Ascension Parish, Louisiana (Lat. 30.183125 Long. -
91.024742) (Regulatory Permit # MVN-2023-00269-CF)

Ashley Gaignard
Rural Roots Louisiana

Dear Ms. Gaignard:

The U.S. Army Corps of Engineers, New Orleans District (CEMVN), Regulatory Division, Central Evaluation Branch (RGC), has reviewed the enclosed reports (Enclosures 1 and 2) by SURA, Inc. (SURA) dated November 2018 and titled, *Phase I Cultural Resources Survey of 944 Acres (382 Hectares) near Donaldsonville, Ascension Parish, Louisiana*, and by TerraXplorations, Inc. (TerraX) dated October 2023 and titled, *A Phase I Cultural Resources Survey of the Elise Schoolhouse in Ascension Parish, Louisiana*.

Description of the Undertaking

The permit application (Enclosure 3) proposed project activity involves construction of a greenfield low carbon ammonia manufacturing facility in Ascension Parish, Louisiana. Proposed project components include an ammonia plant, cooling towers, carbon dioxide compression, plant utility equipment, and storage and loading facilities. There will also be a marine terminal on the Mississippi River for loading and offloading and water intake and discharge, heavy haul road, process support facilities, tank farm, and emergency flares (Undertaking). This Undertaking will involve the clearing, grading, and filling of wetlands and non-wetland Waters of the United States (WOTUS).

Area of Potential Effects (APE)

The APE for direct and indirect effects is approximately 944 acres (ac; 382 hectares [ha]) consisting of a portion of the west bank of the Mississippi River, agricultural fields, and backswamp within Ascension Parish, Louisiana (Figure 1).

Identification and Evaluation of Historic Properties

Four newly recorded archaeological sites and 13 structures were identified during two investigations (LDOA # 22-6023 and 22-7400). The Noel Cane Site (16AN122) was first recorded in 2018 by SURA as a nineteenth and twentieth century historic artifact scatter related to the Elise Plantation. A total of 1,137 artifacts were collected, including ceramics, glass, metal, construction materials, faunal and shell items, and personal items. The archaeological investigation yielded no features to suggest further research potential nor does it possess integrity. CEMVN determines that 16AN122 is **ineligible** for listing on the National Register of Historic Places (NRHP) based on Criteria A through D per 36 CFR 60.4[a-d].

The Noel West Site (16AN121) was first recorded in 2018 by SURA as a nineteenth and twentieth century historic artifact scatter related to the Elise Plantation. Two historic standing structures (LHRI # 03-00760 and 03-00762) are within the site boundary but are discussed individually below. A total of 98 artifacts were collected, including ceramic, glass, metal, construction materials, faunal remains, and shells. The archaeological investigation yielded no features to suggest further research potential nor does it possess integrity. CEMVN determines that 16AN121 is **ineligible** for listing on the NRHP based on Criteria A through D.

The Noel East Site (16AN120) was first recorded in 2018 by SURA as a nineteenth and twentieth century historic artifact scatter related to the Elise Plantation. Three historic standing structures (LHRI # 03-00767; 03-00768; and 03-00769) are within the site boundary but are discussed individually below. A total of 471 artifacts were collected, including ceramic, glass, metal, construction materials, faunal remains, and shell. The archaeological investigation yielded one articulated brick walkway feature associated with mid twentieth century occupation of the property. 16AN120 possesses no integrity, as a result, CEMVN determines that 16AN120 is **ineligible** for listing on the NRHP based on Criteria A through D.

The Elise Reuss Memorial Schoolhouse (16AN158) was first recorded in 2023 by TerraX as a twentieth century historic artifact scatter associated with the extant school house structure (03-00763) located within the site boundary. The school house was established in 1906 as one of eight schools for Black children in Ascension Parish. George Reuss had four daughters, one of the daughters, Elise, passed away during her childhood, thus the school was named in her memory. A total of 252 artifacts were collected, including ceramic, glass, metal, construction materials related to the school house and personal items. Archaeological investigation revealed that the brick foundation of the school house was present, suggesting subsurface intact features and further research potential is likely. CEMVN determines 16AN158 **eligible** under **Criterion D** for listing on the NRHP.

A total of 13 historic structures (above ground resources) were identified during the two investigations. SURA identified thirteen newly recorded structures (LHRI # 03-00760 through 03-00772).

Structure 1 (LHRI # 03-00760) is the last remaining tenant quarter, once part of a row of residences, within site 16AN121. Built circa 1935, this bungalow has front and rear additions and the central chimney was removed. This structure no longer possesses integrity and CEMVN determines Structure 1 **ineligible** for the NRHP based on Criteria A through D.

Structure 2 (LHRI # 03-00761) is a wood-framed wrapped with corrugated metal that houses a water pump. This structure no longer possesses integrity and CEMVN determines Structure 2 **ineligible** for the NRHP based on Criteria A through D.

Structure 3 (LHRI # 03-00762) is a wood-framed structure with a fireplace on the rear wall. The structure was likely a small residence during the twentieth century. The structure is severely dilapidated and has little to no integrity as a residential structure. CEMVN determines Structure 3 **ineligible** for the NRHP based on Criteria A through D.

Structure 4 (LHRI # 03-00764) is a wooden barn with a central opening, open sides, and a corrugated metal roof. This structure is likely associated with the agricultural production of Elise Plantation, however, it possesses little integrity. CEMVN determines Structure 4 **ineligible** for the NRHP based on Criteria A through D.

Structure 5 (LHRI # 03-00765) is a wooden bar with a gabled, tin roof and a raised concrete pier foundation. This structure is likely associated with the agricultural activity of Elise Plantation, however, it possesses little integrity. CEMVN determines Structure 5 **ineligible** for the NRHP based on Criteria A through D.

Structure 6 (LHRI # 03-00766) is a corrugated metal shed. This structure is likely associated with the agricultural activity of Elise Plantation, however, it possesses little integrity. CEMVN determines Structure 6 **ineligible** for the NRHP based on Criteria A through D.

Structures 7 through 11 (LHRI # 03-00767 through 03-00771) are five agricultural outbuildings located nearby to the extant row of tenant quarters. Structure 7 (03-00767) is a wooden chicken coop, Structure 8 (03-00768) is an open carport/garage, Structure 9 (03-00769) is a metal garage for farming equipment, Structure 10 (03-00770) is a red monitor barn for farm animals, and Structure 11 (03-00771) is a metal garage. These five do not possess integrity, CEMVN determines Structures 7 through 11 **ineligible** for the NRHP based on Criteria A through D.

Structure 12 (LHRI # 03-00772) is a ranch-style residence that has been altered numerous times since its construction. This residence does not possess integrity and as a result, CEMVN determines this structure **ineligible** for the NRHP based on Criteria A through D.

Structure 13 (LHRI # 03-00763) is the Elise Reuss Memorial School House and as of TerraX's investigation in 2023, the school house was no longer extant. As a result, CEMVN determines the structure **ineligible** for the NRHP based on Criteria A through D.

Assessment of Effect to Historic Properties

CEMVN has determined that there is one historic property (16AN158) **eligible** for the NRHP. There are three archaeological sites and 13 structures that are determined **ineligible** within the APE. To avoid effects to 16AN158, CEMVN requires that the applicant adhere to the following avoidance measures as part of the conditions of the permit (Enclosure 4). This permit condition will ensure that construction operations will be restricted from the archaeological site boundaries by placing a 30-foot (ft; 10 meters [m]) buffer around 16AN158 during construction. This avoidance measure will not affect characteristics making 16AN158 eligible for the NRHP listing. Therefore, CEMVN is making a finding of No Adverse Effect to Historic Properties with Condition of Avoidance for this permit action and submitting it to you for review and comment. This project will be subject to the standard change in scope of work, unexpected discovery, and unmarked human burial site provisions.

Final Effect Determination: No Adverse Effect to Historic Properties with Condition of Avoidance 36 CFR 800.4(d)(1).

Should you have any questions or need additional information regarding this undertaking, please contact Erin Powers at (504) 862-2080, or by email at Erin.L.Powers@usace.army.mil, or Brian E. Ostahowski, RPA, REM, Archaeologist and Tribal Liaison at 504-862-2188 or by email at Brian.E.Ostahowski@usace.army.mil.

Sincerely,

Neil T. Gauthier
Chief, Central Evaluation Branch,
Regulatory Division

Encls

List of Recipients:

1. Alabama-Coushatta Tribe of Texas
2. Alabama Quassarte Tribal Town
3. Chitimacha Tribe of Louisiana
4. Choctaw Nation of Oklahoma
5. Coushatta Tribe of Louisiana
6. Jena Band of Choctaw Indians, Louisiana
7. Mississippi Band of Choctaw Indians
8. Seminole Nation of Oklahoma
9. Tunica Biloxi Tribe of Louisiana
10. Louisiana State Historic Preservation Officer (SHPO)
11. Rural Roots Louisiana
12. Rise St. James

Enclosures:

1. Phase I Survey Report LDOA # 22-6023
2. Phase I Survey Report LDOA # 22-7400
3. Permit Application and Drawings
4. Special Condition of Avoidance Template

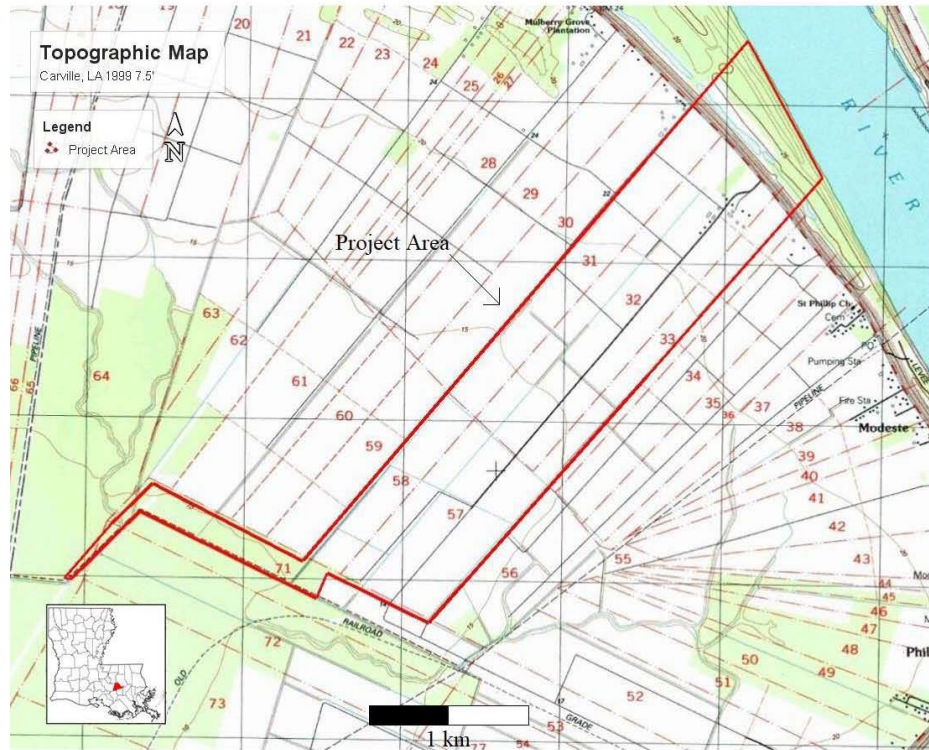


Figure 1. Portion of Carville, LA 1999 7.5-minute topographic map (source: USGS).

EXHIBIT F

Email from Army Corps of Engineers to A. Gagnard (Mar. 24, 2026)



Pam Spees <pspees@ccrjustice.org>

Fw: Section 106 Consultation No Adverse Effects Blue Point Low Carbon Ammonia Facility Ascension Parish (MVN-2023-00269-CF)

1 message

KEEONKAH JUDSON <kee-kee@ruralrootslouisiana.org>
To: Pam Spees <pspees@ccrjustice.org>

Thu, Apr 2, 2026 at 11:55 AM

Best Regards,

*KeeKee Julien-Judson
Rural Roots Louisiana
Grant's Manager
(225) 229-7438*

From: Ashley Gagnard <admin@ruralrootslouisiana.org>
Sent: Thursday, April 2, 2026 11:55 AM
To: KEEONKAH JUDSON <kee-kee@ruralrootslouisiana.org>
Subject: FW: Section 106 Consultation No Adverse Effects Blue Point Low Carbon Ammonia Facility Ascension Parish (MVN-2023-00269-CF)

From: Ashley Gagnard <admin@ruralrootslouisiana.org>
Date: Thursday, April 2, 2026 at 11:53 AM
To: pspees@ccrjustice.org <pspees@ccrjustice.org>
Subject: FW: Section 106 Consultation No Adverse Effects Blue Point Low Carbon Ammonia Facility Ascension Parish (MVN-2023-00269-CF)

From: Powers, Erin L CIV USARMY CEMVN (USA) <erin.l.powers@usace.army.mil>
Date: Tuesday, March 24, 2026 at 2:32 PM
To: Ashley Gagnard <ashley@ruralrootslouisiana.org>
Cc: Steinkoenig, Zachary J (Zach) CIV USARMY CEMVN (USA) <Zachary.J.Steinkoenig@usace.army.mil>, COURTNEY HARRIS <courtney@ruralrootslouisiana.org>,
[REDACTED]**Subject:** Section 106 Consultation No Adverse Effects Blue Point Low Carbon Ammonia Facility Ascension Parish (MVN-2023-00269-CF)

Dear Ms. Gagnard,

I hope you are well. The Corps of Engineers, New Orleans District (CEMVN) has reviewed your request and invites you to participate as a Consulting Party member for the CEMVN Regulatory Division's Section 106 review of permit application MVN-2023-00269-CF for the Blue Point Low Carbon Ammonia Facility in Ascension Parish, Louisiana.

CEMVN has reviewed the enclosed documents for the Project, please find the CEMVN effects determination letter attached along with the enclosed documents sent via DoD Safe Link. CEMVN respectfully requests written comments within thirty (30) days of this email. If you need additional information, please contact Zachary Steinkoenig (zachary.j.steinkoenig@usace.army.mil).

V/r,

Erin L. Powers, MS, RPA

Archaeologist

Regulatory Division

New Orleans District

U.S. Army Corps of Engineers

[t] 504.862.2080

[c] 504.717.9754



 **MVN-2023-00269-CF CL TO Gaignard RRL.pdf**
419K

EXHIBIT G

Avoidance Instructions, Army Corps of Engineers, sent to A. Gaignard (Mar. 24, 2026)



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS LA 70118-3651

April 2, 2026

Regulatory Division
Special Projects and Policy Team

SUBJECT: CF Industries Blue Point Low Carbon Ammonia Facility Project 106 NHPA Avoidance Plan for MVN-2023-00269-CF

The project area detailed in MVN-2023-00269-CF contains cultural resources that are protected by Section 106 of the National Historic Properties Act. The archeological site(s) in this area: 16AN158. The listed resource has been identified as a site of interest that must be protected from construction disturbances. The permittee shall adhere to the following to avoid and protect the site:

1. The permittee is made aware that the sites of archaeological interest must be protected, and is as follows:
 - a. Elise Reuss Memorial Schoolhouse (16AN158)
2. The permittee shall create a high-visibility buffer zone 30 feet (10 meters) surrounding the following cultural resource:
 - a. Elise Reuss Memorial Schoolhouse (16AN158)
3. The permittee shall conduct a meeting with construction contractors prior to construction in the vicinity of these archeological sites to ensure that all contractors and workers on this project are made fully aware of the areas of interest and the necessity to halt work should any unplanned disturbances take place. The permittee shall record meeting minutes and ensure that all contractors and workers on this project are made fully aware of the following:
 - a. Discovery of any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the permitted activity must immediately notify the US Army Corps of Engineers, New Orleans District Regulatory Division (CEMVN-RG), halt all construction activity at the location of discovery, and avoid construction activities within a fifty (50) foot buffer zone of the location of discovery until the required coordination has been completed. CEMVN-RG will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
 - b. If abandoned cemeteries, unmarked graves, or human remains are discovered during the permitted activity, the permittee will stop work immediately and comply with the Louisiana Unmarked Human Burial Sites Preservation Act (La. R.S. 8:671 et seq.). The permittee will notify local law enforcement, CEMVN-RG Point of Contact by telephone at (504) 862-2080 or via email at erin.l.powers@usace.army.mil, and the Louisiana Division of Archaeology (LDOA), within the Louisiana Department of Culture, Recreation and Tourism, Office of Cultural Development, by telephone at 225-342-8170 to assess the nature and age of the human skeletal remains within twenty-four (24) hours of the discovery of

unmarked human remains and will accompany local law enforcement personnel during all field investigations. If the appropriate local law enforcement official determines that the remains are not a crime scene, and the remains are more than 50 years old, LDOA has jurisdiction over the remains. In no instance will human remains be removed from the discovery site until jurisdiction is established. In cases where the LDOA assumes jurisdiction and the remains are determined to be American Indian, LDOA will consult with Tribes, CEMVN-RG, and the permittee to determine the appropriate course of action.

4. The permittee shall provide documentation to the CEMVN-RG permit manager demonstrating that the avoidance and protection was completed as detailed in the letter of commitment and must include meeting minutes from the briefing with construction contractors. Provide a management summary within two weeks, or 14 days, of completion and all final documentation within 60 days of completion.
5. The permittee shall provide updates to the Louisiana Historic Resource Inventory (LHRI) forms if there is additional information, including extant or modified above ground resources, as a result of the Undertaking.